

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 210

HOUSE BILL 2502

AN ACT

AMENDING SECTION 41-2636, ARIZONA REVISED STATUTES; RELATING TO STATE AND
LOCAL PROCUREMENT OF GOODS AND SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2636, Arizona Revised Statutes, is amended to
3 read:

4 41-2636. Procurement from Arizona industries for the blind,
5 certified nonprofit agencies for disabled
6 individuals and Arizona correctional industries;
7 definitions

8 A. The director shall appoint a committee to determine those materials
9 and services that are provided, manufactured, produced and offered for sale
10 by Arizona industries for the blind, certified nonprofit agencies for
11 disabled individuals and Arizona correctional industries and that satisfy the
12 requirements of state governmental units and to establish a fair market price
13 for all approved materials and services offered for sale which THAT meet
14 these requirements.

15 B. Materials and services from Arizona correctional industries shall
16 be presented to the committee for approval. Office products, vinyl binders
17 and furniture refurbishing services shall be exempt from this article. State
18 governmental units shall purchase office products, vinyl binders and
19 furniture from Arizona correctional industries if each of the following apply
20 APPLIES:

- 21 1. Such materials and services are readily available.
22 2. Such materials and services are capable of timely delivery.
23 3. Such materials and services are of equal quality and price for
24 these same materials and services in the private sector.

25 C. State governmental units shall purchase approved materials and
26 services if such materials and services are readily available.

27 D. Notwithstanding the requirements of section 41-2532, state
28 governmental units and local public procurement units may purchase or
29 contract for any products, materials and services directly from Arizona
30 industries for the blind, certified nonprofit agencies for disabled
31 individuals and Arizona correctional industries without competitive bidding
32 if the delivery and quality of the products, materials or services meet the
33 unit's reasonable requirements.

34 E. UNTIL JULY 1, 2009:

35 1. ALL STATE GOVERNMENTAL UNITS SHALL ENDEAVOR TO SET ASIDE AT LEAST
36 ONE PER CENT OF THEIR NEW PURCHASES OR CONTRACTS FOR ANY PRODUCTS, MATERIALS
37 AND SERVICES FROM THE ENTITIES THAT ARE PRESCRIBED IN SUBSECTION D OF THIS
38 SECTION.

39 2. THE COMMITTEE SHALL MEET QUARTERLY TO REPORT PROGRESS IN INCREASING
40 STATE GOVERNMENTAL PURCHASES OR CONTRACTS WITH THE ENTITIES THAT ARE
41 PRESCRIBED IN SUBSECTION D OF THIS SECTION.

42 3. THE COMMITTEE SHALL SUBMIT QUARTERLY REPORTS DETAILING NEW
43 PURCHASES OR CONTRACTS THAT ARE ENTERED INTO PURSUANT TO THIS SUBSECTION TO
44 THE DIRECTOR, THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
45 THE HOUSE OF REPRESENTATIVES.

1
2 E. F. The committee shall meet during the first month of each fiscal
3 year to determine which articles, products or services Arizona correctional
4 industries, certified nonprofit agencies for disabled individuals and Arizona
5 industries for the blind should continue to manufacture for state use, to
6 advise such agencies and industries of any changes in specifications and to
7 identify new articles or products which THAT should be manufactured.

8 F. G. For the purposes of this section:

9 1. "Certified nonprofit agency for disabled individuals" means a
10 nonprofit activity center or sheltered workshop that satisfies all of the
11 following:

12 (a) Is organized under the laws of this state or another state, is
13 operated in the interest of disabled individuals and the net income of which
14 does not inure in whole or in part to the benefit of any shareholder or other
15 individual.

16 (b) Complies with any applicable occupational health and safety
17 standard required by the laws of the United States and this state.

18 2. "Disabled individual" means an individual who, because of the
19 nature of the individual's disabilities, is not able to fully participate in
20 competitive employment and for whom specialized employment opportunities must
21 be provided.

22 Sec. 2. Effective date

23 Section 41-2636, Arizona Revised Statutes, as amended by this act, is
24 effective from and after December 31, 2004.

APPROVED BY THE GOVERNOR MAY 10, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2004.

Passed the House March 15, 2004,

Passed the Senate May 3, 2004,

by the following vote: 57 Ayes,

by the following vote: 23 Ayes,

0 Nays, 3 Not Voting

4 Nays, 3 Not Voting

John Elks
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Syore
Chief Clerk of the House

Channing B. Bunting
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of May, 2004,

at 4:45 o'clock P. M.

Jennifer Uparra
Secretary to the Governor

Approved this 10 day of

May, 2004,

at 11³⁵ o'clock A. M.

J. N. ...
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of May, 2004,

at 1:22 o'clock P. M.

Janice L. Brown
Secretary of State

H.B. 2502